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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,126	08/06/2003	Roger Dennis Cornett	ZM466/03003	2082
27868	7590	10/19/2004	EXAMINER	
JOHN F. SALAZAR MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,126

Applicant(s)

CORNETT ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Specification

1. The disclosure is objected to because of the following informalities:

On page 1 line 14, "120 volts" should be either AC or DC . Applicant is responsible to review entire specification and revise as required.

On page 3 line 12, "120 volts" should be either AC or DC . Applicant is responsible to review the entire specification and revise as required.

On page 7 lines 10-11, " a low voltage transformer a low voltage end" is confusing and not clear that what is a line voltage end and a low voltage end?. The examiner interpreted as a transformer having a primary side and secondary side which is well known in the electrical art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 5-6, " a high voltage wiring section" is confusing because what is high voltage?. Is it AC or DC voltage ? , and what is the value of voltage, is it 460 volts or 4160 volts or 120 volts AC ?.

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In claim 1 line 8, " a low voltage wiring section" is confusing because what is low voltage?. Is it AC or DC voltage ? , and what is the value of voltage, is it 5 volts, 24 volts or 120 volts AC or DC?.

In claim 1 line 22, " a low voltage appliance" is confusing because what is a low voltage appliance?. is it 5 volts, 24 volts or 120 volts AC or DC?.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1, 3-6 and 13 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sullivan (6,520,363) in view of English (6,395,979).

Sullivan discloses:

Regarding claims 1 and 13, a rough in box 20 (see fig 1) comprising one or more sidewalls (see fig 1) and a bottom wall (see fig 1), wherein said one or more sidewalls are connected to said bottom wall (see fig 1); a cover 50 (see fig 1) removably attached to said box (see fig 1), forming a high voltage wiring section in said box, said cover comprising a recessed portion adjacent to one flange 48 (see fig 1) forming a raised relief 52 in relation to said recessed portion to form a low voltage wiring section (see fig 1), wherein said one flange is adapted to accept a means 66, 68 for attaching said cover to said box (see column 3 lines 1-40), but fails to disclose said recessed portion having an opening there through, a low voltage transformer comprising a primary high voltage end and a secondary low voltage end wherein said low voltage transformer is attached to said cover, and said low voltage end of said low voltage transformer is disposed through said opening in said recessed portion of said cover into said low voltage wiring section; and at least one entryway. English teaches the use of a low voltage transformer 75 comprising a primary high voltage end and a secondary low voltage end (inherent properties of the transformer), wherein said low voltage transformer being attached to a cover 30, and said low voltage end of said low voltage transformer being disposed through an opening 32 in said cover into said low voltage wiring section; and at least one entryway 33 (see figs 2-3).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Sullivan with a low voltage transformer 75 comprising a primary high voltage end and a secondary low voltage, and said cover 50 having an opening, wherein said low voltage transformer being attached to said cover 50 and at least one entryway as taught by English in order to reduce wiring installation for said transformer (power and controls cables) as well as wiring installation cost. With respect to square electrical box for claim 13, applicant doesn't state a particular problem is solved by the square electrical box. It would have been obvious to one having ordinary skill in the art at the time the invention as made to provide the assembly of Sullivan with the box being square for claim 13, since more than a mere change of form is necessary for patentability. In re Span-Deck Inc. V. Fab-con, Inc. (CA 8, 1982) 215 USPQ 835.

Regarding claim 3, the modified assembly of Sullivan disclose all the features of the claimed invention as shown above, including said low voltage transformer is removably attached to said cover. It is noted that the modified assembly of Sullivan meet the structural limitations.

Regarding claim 4, the modified assembly of Sullivan disclose all the features of the claimed invention as shown above, but fails to disclose one bracket for removably attaching said low voltage transformer to said cover. it would have been an obvious matter of design choice to use one bracket for removably attaching said low voltage transformer to said cover, since applicant has not disclosed that one bracket for removably attaching said low voltage transformer to said cover solves any stated problem or is for any particular purpose and it

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appears that the invention would perform equally well with if designed with one bracket for removably attaching said low voltage transformer to said cover of Sullivan .

Regarding claim 5, the modified assembly of Sullivan disclose all the features of the claimed invention as shown above, including means 23 for attaching said box to a wall stud 21 (see fig 1).

Regarding claims 6, the modified assembly of Sullivan disclose all the features of the claimed invention as shown above, including said box is unitary (see fig1).

Allowable Subject Matter

45. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claim 2 are the inclusion therein, in combination as currently claimed, of the limitation of one or more of said sidewalls have a channel recessed therein , said entryway is aligned with said channel for receiving said wires connected to said low voltage end of said low voltage transformer (for claim 2).

~~The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.~~

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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel
Primary Examiner
Group Art Unit 2831
October 16, 2004


DHIRU R. PATEL
PRIMARY EXAMINER
10/16/04.